

Introduced by Senator SherJanuary 9, 2003

An act relating to drinking water.

LEGISLATIVE COUNSEL'S DIGEST

SB 50, as introduced, Sher. Bottled water: regulatory program.

Existing law, commonly referred to as the California Safe Drinking Water Act, is administered by the State Department of Health Services and, among other things, requires the department to establish recommended public health levels for contaminants in drinking water. Existing law, the Sherman Food, Drug, and Cosmetic Law, provides for the licensure and regulation by the department of specified persons engaged in certain activities relating to bottled water.

This bill would provide that it is the intent of the Legislature to enact legislation containing a comprehensive statutory framework that would ensure that provisions similar to those in the California Safe Drinking Water Act apply to bottled water and vended water products including, but not limited to, provisions relating to the preparation of annual consumer confidence reports, the provision of annual inspections, and the assessment of annual fees to fund a bottled water regulatory program administered by the department.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:



1 (1) The California Safe Drinking Water Act establishes a
2 statutory framework for the regulation of the quality of ‘tap water’
3 in the state through drinking water quality standards, requirements
4 for consumer reporting of drinking water quality, and regulatory
5 oversight by the State Department of Health Services.

6 (2) Because bottled water and vended water products are
7 regulated as food products rather than drinking water, many of the
8 statutory protections for consumers contained in the California
9 Safe Drinking Water Act that apply to tap water provided by public
10 water systems do not apply to bottled water products, creating a
11 lack of consumer certainty as to the contents of bottled water
12 products.

13 (3) The general public perception is that bottled water and
14 vended water products are safer, or are of higher quality, than tap
15 water. However, the water quality requirements for bottled water
16 are, in many cases, less stringent than tap water.

17 (4) Bottled water products are not subject to water quality
18 “right to know” consumer reporting requirements such as
19 consumer confidence report requirements, resulting in a lack of
20 reliable and credible information for consumers concerning the
21 contents of bottled water and vended water products.

22 (5) The existing levels of fees for the bottled water regulatory
23 program are not sufficient to fund oversight of bottled water and
24 vended water products when compared to funding that is generated
25 by drinking water program regulatory fees paid by public water
26 systems.

27 (6) It is necessary to enact legislation to improve consumer
28 protection and ensure that the consumers of bottled water are
29 afforded the same water quality “right to know” protections and
30 regulatory oversight of bottled water products as those established
31 for tap water.

32 (b) It is the intent of the Legislature to enact legislation
33 containing a comprehensive statutory framework that would
34 ensure that provisions similar to those in the California Safe
35 Drinking Water Act, including, but not limited to, the following,
36 apply to bottled water and vended water products:

37 (1) A requirement to prepare and make available to the public
38 an annual consumer confidence report to customers that complies
39 with the requirements established pursuant to Section 116470 of
40 the Health and Safety Code.



1 (2) A requirement that bottled water facilities, water vending
2 machines, and retail water facilities be subject to annual
3 inspections, including, but not limited to, unannounced
4 inspections, by the department to determine compliance with
5 bottled water requirements.

6 (3) An assessment of annual fees on each water bottling plant,
7 water vending machine, water hauler, retail water provider, private
8 water source operator, and bottled water distributor, in an amount
9 that is sufficient to fund the department's regulatory program for
10 bottled water.

